



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT & CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
1625 HOLLYWOOD DRIVE  
JACKSON, TENNESSEE 38305  
STATEWIDE 1-888-891-8332

PHONE (731) 512-1300

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November 10, 2010

**CERTIFIED MAIL # 7010 0290 0002 6769 5411**

Mike Nichols  
P.O. Box 99  
Oakfield, TN 38362

Re: **NOTICE OF VIOLATION**  
CAFO Compliance Evaluation Inspection  
NPDES Permit Tracking Number TNA000017  
Nichols Farms  
Madison County, Tennessee

Dear Mike Nichols:

This letter is to inform you that on Monday, November 8, 2010, a compliance evaluation inspection was performed at Nichols Farms in Madison County, Tennessee. Nichols Farms was covered under the State of Tennessee General National Pollutant Discharge Elimination System (NPDES) permit that expired August 5, 2009. You reported the 6 houses currently being used by Newsham Genetics held between 400 - 500 hogs each. Mortalities are being burned and buried on site. You were keeping some records current and stated that you were unaware of all the records that were required.

As a result of the inspection, it has been concluded that Nichols Farms is in violation of the terms and conditions of your permit coverage. As discussed with you on site, the following permit violations were noted during the inspection:

- A notice of intent has not been submitted for continuation of permit coverage prior to expiration of the general permit.
- Weekly storm water inspections are not being conducted.
- Mortalities management practices used do not comply with the site-specific Nutrient Management Plan on file and adequate records were not being kept.
- Annual manure nutrient analysis consistent with 40 CFR § 412 is not being conducted.
- Your 2009 annual report has not been received by the division.
- Weekly inspection records of the manure and process wastewater impoundment are not being conducted.

To bring Nichols Farms into compliance, it is recommended that you start keeping all required records and submit all annual reports to the required agencies. You will also need to apply for the State Operation Permit for medium-sized (Class II) discharging CAFOs that can be found on our website (<http://tn.gov/environment/permits/cafo.shtml>). This will replace your current permit.

As stated in your expired permit **“Any permit noncompliance constitutes a violation of the Clean Water Act and/or the Tennessee Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.”** Please submit to this office a detailed list of corrective actions taken and measures implemented to bring Nichols Farms into compliance by November 30, 2010. **This letter will serve as a formal notice of violation** and a copy will be provided to our enforcement and compliance section to notify them of the violation.

For your convenience, I have enclosed example log sheets for measureable rainfall events, water line inspections, annual reports, weekly storm water management and lagoon inspections. Please keep these records current and on site. A copy of the EPA Water Compliance Inspection Form 3560 is also enclosed for your records.

If there are factors regarding this matter that need further discussion, you may contact me at (731) 512-1300.

Sincerely,

Steve Owens  
Environmental Specialist  
Division of Water Pollution Control

Enclosures: EPA Water Compliance Inspection Form 3560  
Record Keeping Requirements  
Example log sheets for:  
Measureable Rainfall  
Water Line Inspections  
Annual Report  
Weekly Storm Water Management Inspections  
Lagoon Inspections

cc: File  
Enforcement and Compliance Section, Nashville, Water Pollution Control  
Sam Marshall, Tennessee Department of Agriculture